

## **REMARKS**

Claims 25-50, 59, 82-162 were pending and presented for examination and in this application. In a Final Office Action dated March 30, 2007, claims 140-141 were objected to, and claims 25-50, 59, 82-162 were rejected. Claims 51-58 and 60-81 have been withdrawn from consideration. Applicant thanks Examiner for examination of the claims pending in this application.

Applicants also thank Examiner for taking time to discuss claims 24 and 41 of the pending application with Applicants' representatives in the Telephonic Examiner Interview of May 8, 2007. Although no agreement was reached in that call, as required by 37 C.F.R. § 1.133 and MPEP § 713.04 the substance of the interview is incorporated in this amendment and response.

In this amendment and response, claims 25, 30, 41, 43, 105, 108, and 150 are amended. No claims have been canceled and no new claims have been added. In view of the Amendments herein and the Remarks that follow, Applicants respectfully request that Examiner reconsider all outstanding objections and rejections, and withdraw them.

### **Response to Rejection Under 35 USC § 112, Paragraph 1**

In the 3<sup>rd</sup> paragraph of the Final Office Action, Examiner has rejected claims 150-162 under 35 USC § 112, ¶ 1 as allegedly lacking written description. Applicants have amended claim 150 to further clarify that the navigation key is below the keyboard and display. Hence, the basis for this rejection is now obviated and withdrawal of this rejection is requested.

### **Response to Rejection Under 35 USC 103(a)**

In the 8<sup>th</sup> paragraph of the Final Office Action, Examiner rejects claims 25-50, 59, and 82-149 under 35 USC § 103(a) as allegedly being unpatentable in view of U.S. Patent No. 6,489,950. (“Griffen”) in view of either of Motorola V100 or Motorola Accompli as described by Pinkerton in Dealerscope November 2000, DiSabatino in Computerworld 6 November 2000, Palenchar in Twice 9 October 2000, Orubeondo in InfoWorld 23 April 2001, Motorola 009 User’s Guide, Motorola “Let’s Start” for 009, and Motorola V1000 User’s Guide. In the 94<sup>th</sup> paragraph, the Examiner further rejects claims 150-157 as allegedly being unpatentable in view of Griffen in view of either of Motorola V100 or Motorola Accompli and further in view of U.S. Patent No. 6,587,132 (“Smethers”), and in the 103<sup>rd</sup> claims paragraph, the Examiner further rejects claims 150-157 as allegedly being unpatentable in view of Griffen in view of either of Motorola V100 or Motorola Accompli and further in view of Smethers and U.S. Patent No. 5,926,170 (“Oba”).

Referring to the independent claims 25, 30, 43, 105, and 108, they have been amended to now recite additional features that can be further described through representative claim 43. Claim 43 recites:

In a handheld device that serves as both a data entry device and a wireless telephone, the device having a long axis and a short axis, a non-foldable keyboard comprising:

a plurality of keys arranged in a configuration having key rows oriented perpendicularly with respect to the long axis of the device, one of the key rows comprising successive keys representing the letters Q, W, E, R, T, and Y;

wherein the plurality of keys comprises at least nine multi-value keys, each associated with at least a primary value and a numeric secondary value, the at least nine multi-value keys having a common visual characteristic and being arranged in at least three rows, each row comprising at least three multi-value keys, the keys in the

configuration comprising at least one key not having the common visual characteristic of the nine multi-value keys, the nine multi-value keys having the common visual characteristic arranged in at least three successive rows and three successive columns, and in response to operation of the wireless telephone the at least nine multi-value keys activated for touch tone keypad operation with the wireless telephone, the non-foldable keyboard located below a speaker and above a microphone along the long axis of the handheld device. (emphasis added).

The claimed invention beneficially recites a handheld device that includes a data entry component and a telephone component that includes a non-foldable keyboard. To help ease data entry, the device includes keys arranged in a format in which the Q, W, E, R, T and Y keys are in succession within a row, for example, in a conventional keyboard format. However, because such devices lack space on which to include a keypad for use with telephonic operations, the claimed invention further recites that at least nine keys are multi-value keys. The multi-value keys are configured to correspond with a keypad layout telephone users are familiar with and is activated for touch tone operation when the wireless telephone is operational on the handheld device. Further, the keyboard is located below a speaker (e.g., for the telephone) and above a microphone along a long axis of the handheld device.

The claimed invention is patentably distinguishable over the cited references of Griffen and the Motorola references (the V100, Accompli, and their reference in the Pinkerton, DiSabatino, Palenchar and Orubeondo articles). As for the Motorola references, reference will only be made to the V100 and Accompli 009 as existed prior to October 2001. The Accompli 009 User Guide was published in 2002 and cannot be considered a reliable reference for the features disclosed therein since there is no support to indicate that those features existed prior to 2002. As for the referenced articles, they merely describe the

Accompli 009 product generally and fail to disclose the specifics of what specific features existed at the time of the articles in the context of what is now claimed.

With respect to the Motorola references, they do disclose a mobile communication device that allow data entry and a telephone. However, beyond this the two devices are quite different than the claimed invention. The claimed invention is particularly beneficial for operation of the handheld device as a wireless telephone. For example, activation of the keypad layout on the keyboard allows for touch tone input, for example, to when the device is functional as a telephone. Further, the claimed invention is beneficially configured so that a speaker is located above the keyboard (and can be above a display) along the long axis of the handheld device. Further, a microphone can be located below the keyboard along a long axis of the handheld device. When operational as a telephone, this configuration beneficially allows for the device to be held in the hand so that the speaker end can be placed against an ear and the microphone end can be proximate to where it can receive sound (e.g., user's mouth).

In contrast to the claimed invention, the Accompli device is configured similar to a pager and other messaging devices since its "primary purpose is two-way messaging." (DiSabatino article, p. 44). The Accompli can "be used with a hand-free headset to make wireless phone calls. (*Id.*). The passage in this article illustrates that the primary function of the Accompli device was two way text messaging rather than a phone configuration. Hence, unlike the claimed invention, access to the numbering configuration of 0-9 is only in response to pressing the ALT key or ALT SPACE keys rather than in response to phone operation. Further, the Accompli device lacks a speaker. Rather, when used for telephone purposes the Accompli device is configured for use only with a headset. (See Motorola

Personal Communicator Let's Start, p. 11). The Accompli device does include a microphone, but based on its placement as illustrated, it appears to be used for dictation type activities rather than in a phone context. (*Id.*). Thus, unlike the claimed invention, a user could not use the Accompli device as she may a conventional phone.

Nor does Griffen resolve the deficiencies of the Accompli device. The commonality of the Griffen reference with the Accompli device is that it also is a two-way text messaging device and it also discloses a device with a QWERTY keyboard layout. (Griffen, col., ll. 48-55; see also col. 2, ll. 61-65 (the Griffen device “permits full-text, two-way messaging such as email messaging.”)). Griffen device is structured so that the user has convenient access to the thumbwheel navigation mechanism 4002. The parent application highlights this through its title “Hand-held Electronic Device with a Keyboard Optimized for use with the Thumbs.” The Griffen specification does not contemplate telephonic integration or features for such integration. As such, the Griffen specification lacks a numeric keypad and microphone as is claimed and, like the Accompli, lacks a speaker for use over the ear.

Griffen does make reference to “a keyboard with a minimal number of keys, but with the keys representing the alphabet generally placed as they would appear on a standard keyboard”. That is, the keys are laid out keeping mind the context of maintaining familiarity for the user. (Griffen, col. 1, ll. 48-55). In this context, for a two-way messaging device it would mean that the keys must be in a row directly across a row so that the user maintains that familiar keyboard look and feel. Placing the keys in a number pad configuration would defeat the purpose of what this reference specifically teaches and attempts to achieve.

Assuming *arguendo* that the Accompli device and Griffen could be combined, at best they disclose a two-way text messaging device with a telephone headset jack. There would

be no speaker or microphone as is claimed. Moreover, the configuration would lack the claimed “in response to operation of the wireless telephone the at least nine multi-value keys activated for touch tone keypad operation with the wireless telephone, the non-foldable keyboard located below a speaker and above a microphone along the long axis of the handheld device.” Hence, for at least these reasons, the claimed invention is patentably distinguishable over these cited references.

Based on the above amendment and the remarks, Applicants respectfully submit that for at least these reasons claims 25, 30, 43, 105, and 108 are patentably distinguishable over the cited reference. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it. Allowance of these claims also is requested.

As to the dependent claims, because each depends on one of the independent claims identified above, all arguments advanced above incorporated so as to apply to the dependent claims. For example, for claims 150 to 157, the claimed invention is further patentable over Smethers. Claim 150 has been amended to note that the navigation mechanism is no longer between the display and keyboard, thus obviating the basis for the rejection based on the addition of this reference. In addition, claims 157 to 162, the perimeter ring as claimed is in the context of a handheld computing device with a wireless telephone, which is completely different than the conventional full size keyboard used with set top boxes as shown in Oba. (Oba, Abstract, FIG. 5). Applicants therefore request reconsideration and withdrawal of the rejection for the dependent claims and their allowance at this time.

## **Conclusion**

In sum, Applicants respectfully submit that claims 25-50, 59, 82-162, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,  
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